

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING
AND FRANCHISES

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JANUARY 13, 2015
Start: 9:57 a.m.
Recess: 10:39 a.m.

HELD AT: 250 Broadway - Committee Room
16th Floor

B E F O R E: MARK S. WEPRIN
Chairperson

COUNCIL MEMBERS:
Daniel R. Garodnick
Jumaane D. Williams
Donovan J. Richards
Antonio Reynoso
Ritchie J. Torres
Vincent M. Ignizio
Vincent J. Gentile
Ruben Wills

2 A P P E A R A N C E S (CONTINUED)

3

4 Shlomo Steve Wygoda, Architect
5 SWA Architects, Manhattan

6

7 Gregory Nardello, Owner
8 Eleven Food and Beverage, Inc.
9 a/k/a 11 Sixth Avenue

10

11 Alice Blank, Architect
12 A. Blank Architects

13

14 Eric Botsford, Deputy Director
15 Manhattan Office
16 Department of City Planning

17

18 Betty Mackintosh
19 Community Board 4

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21 Christine Berthet, Chair
22 Community Board 4

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2 [sound check, pause]

3 CHAIRPERSON WEPRIN: Okay, can I have
4 everyone's attention, please? Good morning. My name
5 is Mark Weprin. I am Chair of the Zoning and
6 Franchises Subcommittee of the Land Use Committee,
7 and I want to welcome everyone here this morning. We
8 have a limited agenda, but with some very important
9 items on it. We have a sidewalk cafe that we're
10 going to take up first, and then we have an item from
11 the--from City Planning that is in Corey Johnson's
12 district. So, we're going to take that up next.

13 I want to just acknowledge that I've been
14 joined today by Council Member Vincent Gentile,
15 Council Member Dan Garodnick, Council Member Antonio
16 Reynoso, and the gold star from the rock, Vincent
17 Ignizio today for the first person here. We're also
18 joined by the Chair of the Land Use Committee, David
19 Greenfield, as well as Council Member Margaret Chin,
20 whose district the cafe is in, and Council Member
21 Corey Johnson whose district the other item is in.
22 Do I have everybody? Okay. Good. So, what we're
23 going to do is we're going to start out with our
24 sidewalk cafe, which Land Use No. 169. It's called
25 Eleven Food and Beverage in Council Member Chin's

2 district. Steve Wygoda [sp?] is here I believe on
3 behalf of the--the cafe, and-- Okay, Steve--Mr.
4 Wygoda, you know. You've done this before. So make
5 sure to state your name, and you can tell us who's
6 with you, and what the application is about. We also
7 have a couple of people from the community I believe
8 to testify on this matter as well, and that will be
9 after. Whenever you're ready, Mr. Wygoda.

10 [background comments]

11 CHAIRPERSON WEPRIN: We have changed
12 microphones since you were last here. So we're not
13 going to hold you responsible for that.

14 STEVE WYGODA: Okay, okay. Good morning.
15 My name is Shlomo Steve Wygoda. I'm the architect.
16 Sitting next to me Gregory Nardello, who is the owner
17 of Eleven 6th Avenue--Eleven Food and Beverage, Inc.,
18 which is located at Eleven 6th Avenue. We have
19 applied for an enclosed sidewalk cafe at this
20 location. Gregory is also developing a building.
21 It's a very small building. So we have applied for a
22 sidewalk cafe, and we've with the--We've had meetings
23 with Council Member Chin's office, neighbors,
24 Community Board 1. And through that process, we've

2 come to an agreement, which I'd like to read into the
3 record, if I may.

4 CHAIRPERSON WEPRIN: That would be fine.

5 STEVE WYGODA: Okay, so-- Dear Council
6 Member Chin, I-- I'm reading it for Gregory, if you
7 don't mind. I Gregory Nardello, as the owner of
8 Eleven Food and Beverage, Inc. in connection with our
9 application from an enclosed sidewalk cafe hereby
10 commit to the City Council and the Zoning and
11 Franchises Committee that in light of the concerns of
12 the surrounding community, Eleven Food and Beverage,
13 Inc. shall:

14 Number 1: Install hedges/plants on the
15 rooftop on the southern side and other locations

16 Number 2: Paint the exterior building's
17 rear wall white facing the windows of resident Matt
18 Black residing at 241 West Broadway. Resident must
19 provide access to this property in the rear. Mr.
20 Nardello and the resident will work together to
21 determine how the wall will be quote, unquote,
22 "finished."

23 Number 3: Operate as a restaurant,
24 bar/lounge and agree that no cabaret license will be

2 pursued. We also agree to have only one television
3 per floor.

4 Number 4: Windows:

5 Item 1: Mezzanine windows shall close at
6 8:00 p.m.

7 Item 2: The window on the south side of
8 the second floor shall be non-operable and
9 acoustically glazed.

10 Item 3: The second floor windows, should
11 issues arise, it is agreed to discuss these windows'
12 closing hours with Community Board 1 and the
13 neighbors.

14 Item No. 5: The roof shall be used for
15 maintenance and planting during normal business
16 hours, except in the event of an emergency. No
17 patrons shall be permitted on the roof at any time.

18 Item No. 6: The sidewalk cafe enclosure
19 windows shall be closed at 8:00 p.m. for the first
20 year of operation. This closure time will be
21 revisited with Community Board No. 1 and the
22 neighbors after the first year.

23 Item No. 7: The owner and manager's cell
24 phone numbers will be provided to the Community Board
25 and to the neighbors.

2 Item No. 8: The final number. The total
3 number of tables is six. The total number of seats
4 is 26, and this is-- if I may introduce Gregory, and
5 just--

6 CHAIRPERSON WEPRIN: Would you like to
7 say something, Mr. Nardello? Okay, please state.
8 Just state your name as you speak.

9 GREGORY NARDELLO: Hello. My name is
10 Gregory Nardello. I'm the applicant and also the
11 owner of the building and the restaurant that's going
12 to be open--opening.

13 CHAIRPERSON WEPRIN: Okay, well, welcome.
14 Just before I call on Council Member Chin, I just
15 want to get my own bearings. So this is 6th Avenue.
16 What's the cross-street there?

17 GREGORY NARDELLO: White and Walker.

18 CHAIRPERSON WEPRIN: Between White and
19 Walker. Okay.

20 GREGORY NARDELLO: Across from the
21 Tribeca Grand Hotel.

22 CHAIRPERSON WEPRIN: Uh-huh, uh-huh.
23 Okay, good. I'm going to call on Council Member Chin
24 who has a comment, and I think some questions as
25 well. Council Member Chin.

2 COUNCIL MEMBER CHIN: Good morning.
3 Thank you, Chair Weprin. Thank you for allowing me
4 to visit again. Mr. Nardello, maybe you could
5 explain in terms of the separation between the
6 restaurant and the sidewalk, the enclosed sidewalk
7 cafe. There's going to be some kind of separation
8 that's--

9 GREGORY NARDELLO: [interposing] Yes.
10 Yeah, well, we--

11 COUNCIL MEMBER CHIN: So it's a sidewalk
12 cafe. It can't be a standalone.

13 GREGORY NARDELLO: Correct. The sidewalk
14 cafe is a temporary--a temporary structure with a
15 revocable consent. There will be a roll-down gate at
16 the face of the existing opening between the
17 restaurant and the sidewalk cafe to permit and allow
18 closure of the two spaces as needed, and if the
19 enclosed cafe should ever be revoked then that gate
20 can come down, or we can do a new storefront at that
21 time. But right now, there's a gate that's intended
22 and approved by City Planning to provide that
23 separation.

24

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2 COUNCIL MEMBER CHIN: And you also have a
3 separate entrance that goes directly into the
4 restaurant.

5 GREGORY NARDELLO: There are three doors.
6 Yeah, and there's a separate entrance on the north
7 side. There's another entrance directly to the
8 cellar on the south side, and then roll-down gate
9 will have what's called a man door in it, and when it
10 does come down you can walk through. As you can
11 imagine, there's a door inside the roll-down gate.

12 COUNCIL MEMBER And then you also have two
13 separate entrances to the sidewalk cafe itself.

14 GREGORY NARDELLO: That's right. We have
15 a front entrance, and then we have an entrance on the
16 north side of the cafe.

17 COUNCIL MEMBER CHIN: Okay. Chair I mean
18 I thank the owner and Community Board and all the
19 neighbors for coming together to meet with my office
20 to try to answer a lot of the questions. And I think
21 we also have some community member that are here to
22 testify. So I look forward to hearing from them,
23 too. Thank you.

24 CHAIRPERSON WEPRIN: Okay. Thank you
25 very much. Thank you, gentlemen. You're excused.

2 We have Alice Blank. Are you here, Alice? Alice to
3 hear? But you're here on the West Chelsea, right?
4 Okay, because somehow I heard the wrong number on
5 that one. Okay. So you're not here testifying on
6 this as well? Okay, good. Otherwise, I'd figure
7 you're running for borough president or something.
8 Okay, welcome. Come on up Alice. You can go and sit
9 at the table.

10 ALICE BLANK: [off mic]

11 CHAIRPERSON WEPRIN: Okay, give that to
12 the Sergeant-at-Arms, and he will distribute it.

13 [pause]

14 ALICE BLANK: Okay.

15 CHAIRPERSON WEPRIN: So, it's just you,
16 Ms. Blank. So what I would ask you to do is just
17 make sure the mic is on. The lights go on when you
18 push it, and to state your name, and describe your
19 opposition to this cafe.

20 ALICE BLANK: Okay. I think it's on.
21 Yes. Can you hear me? Hi. Good morning, Council
22 Members. My name is Alice Blank. I'll probably read
23 my testimony so I can get it right.

24 CHAIRPERSON WEPRIN: Okay.

2 ALICE BLANK: I'm a member of Community
3 Board 1, but I'm testifying today as an architect and
4 a resident of Tribeca.

5 CHAIRPERSON WEPRIN: Okay, before you
6 start I see that it's a really long testimony. I
7 don't know if there's a way to do it quickly here.

8 ALICE BLANK: Oh, no, it is. I think
9 they timed it at around three minutes, if that.

10 CHAIRPERSON WEPRIN: Okay. Three minutes
11 is great.

12 ALICE BLANK: Okay. Um, I urge the City
13 Council to oppose the application to building a new
14 permanent enclosed structure on the sidewalk at 11
15 Sixth Avenue for the following reasons:

16 First, the proposal violates the City's
17 regulations because it is permanent and does meet the
18 concept of revocable consent. Under City Regulations
19 the owner has the obligation to quote "promptly
20 remove any property placed on the sidewalk space."
21 However, the restaurant's first floor is designed as
22 a single unified permanent space. There is no
23 separate and potentially removable addition, what we
24 understand as a sidewalk cafe. This is, in fact, one
25 floor. There is, in fact, only one entry and exit

1 into the restaurant. It's through the proposed
2 structure. The other entrances and exits are, of
3 course, for egress but you only enter into this place
4 through the so-called sidewalk cafe. Also, the floor
5 plan shows a bar as a fixed piece of furniture in
6 violation of the regulation of all furniture must be
7 removable. I don't understand how the gate goes over
8 this counter that straddles the two spaces to the
9 supposable interior restaurant and exterior outdoor
10 cafe. The design also makes it impossible to have
11 different operating hours when noise abatement--noise
12 abatement remedies for the restaurant or the cafe.
13 They are a single structure. If the use changes in
14 the future and the City needs to remove this cafe for
15 any reason, the ground floor and building facade
16 would need to be rebuilt at great cost and time.

18 Second, the proposal violates City
19 Regulations calling for sidewalk cafes to quote,
20 "preserve and enhance the character of the
21 neighborhood" to be quote "a visual amenity that
22 better relates to the existing streetscape and to be
23 appropriate to its location. But the permanent
24 enclosed structures are not in keeping with the
25 existing street character of Tribeca. In fact, there

1 is currently to my knowledge only one glass enclosed
2 sidewalk cafe in Tribeca, the former Delphi
3 Restaurant from 1970. So we're really looking at a
4 precedent setting situation here, which we really
5 need to look at carefully for Tribeca. The new
6 building is on the same block, and directly adjoining
7 the Tribeca East Historic District. So that building
8 is the dividing boundary. Its approximate 10 foot
9 wide by 26 foot long footprint breaks the street law.
10 Enclosed permanent cafes are inappropriate additions
11 to Tribeca streetscapes and should be discouraged.

12 The third reason. The proposed permanent
13 enclosure violates Community 1's policy, and the
14 Community Board voted down both the Tribeca committee
15 and the full board committee meeting. The Community
16 Board's guidelines or policy, rather, asks applicants
17 to wait a year and a half after a new restaurant
18 opens before seeking a sidewalk cafe. This is a wise
19 practice, of course, to recognize things that might
20 go wrong or if they're a good neighbor, or if this is
21 really work. The CB's vote should be respected.
22 This is especially true since the proposal is for a
23 permanent addition on city property that is not
24 promptly removable. There is cause of exception
25

2 here. The proposed restaurant will have 2-1/2 floors
3 of seating for 65 people without the space of an
4 enclosed cafe.

5 Fourth, the City Council should consider
6 the impact on the people who use the block on which
7 the project will be built. This enclosed restaurant
8 [bell] expansion is--

9 CHAIRPERSON WEPRIN: [interposing] You
10 can finish. We were just testing how good are at
11 estimating time.

12 ALICE BLANK: All right. Thank you. I
13 really thank you. This enclosed restaurant expansion
14 is near very--near four major subway lines, the ACE
15 and One, and next to numerous express and local bus
16 lines. It is also next to a new large scale
17 residential building being planned for the two
18 parking lots immediately to the south. This thing.
19 I don't know if any of you have seen it. The
20 proposal does not consider the MTA's resiliency and
21 recovery plans for flood mitigation for the seven
22 stations in CB1. Finally, the proposal ignores the
23 pedestrians who will be walking over subway grates to
24 get to buses and subways in rain, ice, and snow. It
25 would seem prudent at a minimum to obtain and review

2 a pedestrian flow analysis prior to allowing this to
3 go forward.

4 I respectfully urge the City Council to
5 decline the proposal for a sidewalk cafe. We love
6 our Tribeca business and restaurants, but this
7 structure is inappropriate. It is permanent and not
8 removable. It breaks the building law, and it's
9 unprecedented in Tribeca. It was not approved by the
10 Community Board as it is not part of the one-year
11 requirement, and it is unwise in light of pedestrian
12 traffic and transportation needs. It should not be
13 approved. Thank you.

14 CHAIRPERSON WEPRIN: Thank you, Ms.
15 Blank. Any members of the panel have a question for
16 this young woman? I see none. Ms. Blank, I want to
17 thank you very much--

18 ALICE BLANK: [interposing] Thank you.

19 CHAIRPERSON WEPRIN: --for your
20 testimony, and we are going-- Oh, we have been
21 joined by Council Member Ritchie Torres, by the way.
22 Welcome, Richard. Okay, anyone else here to testify
23 on this matter? I don't see anybody. So we're going
24 to close this hearing, and we are going to move on to
25 our next item on the agenda, which is Land Use Nos.

2 164 and 165, the Special West Chelsea District
3 expansion in Council Member Corey Johnson's district,
4 and Community Board 4. Eric, you're doing this by
5 yourself, right? Eric Botsford from Manhattan Office
6 of the New York City Department of City Planning is
7 here. And he has a Power Point, which we always
8 like. Eric, whenever you're ready. Just make sure
9 to state your name for the record, and if we could
10 have--please have some quiet from the panel, and
11 we'll be ready to go.

12 ERIC BOTSFORD: Good morning Council
13 Members. My name is Eric Botsford. I'm the Deputy
14 Director of the Manhattan Office of the Department of
15 City Planning. And I'm before you today to present
16 an application for the Department of City Planning
17 for a Zoning Map and Zoning Text Amendments to
18 facilitate the expansion of the Special West Chelsea
19 District to the portions of one block bounded by West
20 14th and West 15th Streets, Ninth, and Tenth Avenues
21 and the Gainsborough Market West Chelsea
22 neighborhoods of Manhattan Community District 4. As
23 well as modifications and clarifications to the
24 Zoning Text that applies within the entirety of the
25 Special West Chelsea District.

1 The Special West Chelsea District was
2
3 created initially in 2005 extending generally between
4 West 16th Street and West 30th Streets and Tenth and
5 11th Avenues. Prior to the creation of the Special
6 District, the zoning in the area was largely M15,
7 Light Manufacturing and Commercial. And the area was
8 transitioning from storage and auto related uses into
9 the city's and indeed the country's largest art
10 gallery district. The Special District included
11 rezoning from M to C-6 districts in the north, south
12 and along the avenues to create new housing
13 opportunities. The M15 mid-blocks were generally
14 retained, and provisions there were strengthened to
15 preserve the art gallery district. And a series of
16 provisions were put into place to facilitate the
17 conversion of the highline into a new public park.
18 This Special District was subsequently expanded in
19 2012 to include the Chelsea Market block immediately
20 to the north of the block, which is the subject of
21 today's application.

22 Today's proposal stems from a close
23 collaboration between the Department of City
24 Planning, Manhattan Community Board 4, Council Member
25 Johnson, who have worked closely together to identify

opportunities to expand the Special District and reinforce the Special District provisions. The proposed expansion area with the dotted outline that you see on the slide comprises a portion of the block between West 15th Street and West 14th Street and Ninth Avenue and Tenth Avenue. It together with the broader area to the north and south is mapped M15, which permits light manufacturing and a range of commercial uses, a FAR of 5. Residential use is not permitted.

The subject block as you can see on this slide is located--is really sandwiched between the Gainsborough Market Historic District to the south, and the Special West Chelsea to the north. The Gainsborough Market Historic District was designated by LPC in 2003. The proposed expansion area would be mapped to capture areas that today are currently outside of the Historic and Special Districts and, therefore, lack controls that would ensure that new buildings are compatible with the existing build form.

This is the existing condition on the subject block. Again, the proposed expansion area is outlined in the dashed line. Again, the entire block

2 is zone M15, which permits 5 FAR. Just looking
3 briefly at existing conditions on the block, you can
4 see Site 1, which is the Prince Lumber site on West
5 15th Street and Ninth Avenue. It's the main soft
6 site within the project area. Of note is Site No. 3
7 on the slide above, which is a 10,000 square foot
8 vacant lot where a 25-story, 110,000 square foot
9 hotel is currently being construction pursuant to the
10 current--the existing M15 Zoning. Permits have been
11 in place for those foundations since at least 2009.

12 Moving further west on the block you can
13 see the built condition is really a mix of high
14 street wall loft buildings. Site No. 7 is the Milk
15 Studios Building, which contains a variety of
16 creative and media firms. And the western most
17 portion of the block is occupied by the Highline
18 Park, which has a one-story retail building
19 constructed beneath it. And as you can see here
20 highlighted in yellow, the proposed expansion area
21 would remain M15. We're not proposing a rezoning to
22 a new zoning district. It would remain M15. What
23 would happen is that the bulk controls that apply in
24 West Chelsea to M15 districts would now apply here.
25 Specifically, building heights would be limited to

1 135 feet. The built form would be required to
2 generally be a street wall building with a base of
3 between 60 and 90 feet. Sixty and 95 feet. Excuse
4 me.
5

6 This slide shows the type of building
7 that could be permitted on the block without the
8 proposed action. Again, you can see the highlighted
9 building is the main soft site on the block. This
10 slide does show the 25-story hotel, which is
11 currently under construction. It already has permits
12 obtained. There are other development opportunities
13 on the block including the enlargement of an existing
14 6-story loft building. That is being enlarged today.
15 The owner is voluntarily choosing to comply with the
16 Special West Chelsea District regulations that will
17 be put into place. And this slide shows what the
18 main soft site on the block would look like with the
19 West Chelsea M15 controls applying. And again you
20 can see the special--the proposed expansion area in
21 context with the larger Special District to the
22 north.

23 Moving onto the proposed Text Amendments,
24 these are really intended to clarify ambiguous
25 sections of the text today that apply throughout the

Special District. The first is a strengthening of the street wall requirements for some corner lots. Currently beyond 50 feet of the intersection of the wide and narrow streets, street walls can be lowered to 15 feet in height for a length of 50 feet. The text is unclear as to what the street wall conditions should be beyond 100 feet from the intersection. Thereby, allow unintended setbacks from the street line. The proposed clarification to the text would specify that beyond 50 feet of the intersection, the wide and narrow street, at least 70% of the narrow street frontage must have street walls located along the street line. This proposed text is consistent with regulations that are already in place throughout the Special District. Today, it just clarifies an ambiguous reading of the text. In addition, the clarification would be made to rear yard provisions in the Special District that specify that rear yard equivalents be provided at the center line of a block, and not be located at the street line. Again, this is to ensure that the built form within the Special West Chelsea District requires street wall buildings consistent with the intention of the Special District Provisions.

2 And the final text amendment would permit
3 unenclosed sidewalk cafes on wide streets in the
4 Special West Chelsea District. This was a point,
5 which was requested by Community Board 4, and we do
6 think it is appropriate the sidewalk cafes be
7 permitted within West Chelsea. Today, they are
8 currently prohibited. This would apply again only
9 wide streets. So you can see highlighted in the blue
10 lines here. So that generally is Tenth Avenue,
11 Eleventh Avenue, West 23rd Street portions of West
12 14th Street and a small portion of Ninth Avenue.
13 I'll talk a little bit more about that in just a
14 moment. The Department feels that the expansion of
15 cafes here will animate West Chelsea Streets and will
16 complement the dynamic retail environment that has--
17 that has grown here since the implementation of the
18 2005 Rezoning.

19 Since certification, City Planning has
20 received positive recommendations from Community
21 Board 4, which voted 34 unanimously in favor of the
22 application with one condition, which was that the
23 Ninth Avenue frontage between West 15th and West 16th
24 Street directly in front of Chelsea Market be removed
25 from the areas where sidewalk cafes would be

permitted. The borough president recommended approval with no conditions, and the City Planning Commission approved the Zoning Text with one modification, which I will speak about now. The Department received feedback and a request from one property owner in the Special District, which owns a pre-existing commercial building. It's been in place for some time. That owner proposes to enlarge the building for an office use. And they have requested that the proposed text that would clarify the rear yard provisions and require rear yards to be located on the street line not apply to previously existing buildings that apply--that are located within 150 feet of the west side of the Highline. The agency feels that--that this proposed text change is appropriate. The Commission modified the text accordingly, and this one project site is the only site in West Chelsea where this modification would apply. Again, I just want to just re-emphasize that this proposal is a result of close collaboration with CB4. We do appreciate our ongoing relationship with CB4 in working on this Special District, and I'm happy to take any questions you may have.

2 CHAIRPERSON WEPRIN: Thank you very much,
3 Eric. I'm going to call right away on Council Member
4 Corey Johnson who represents this site.

5 COUNCIL MEMBER JOHNSON: Thank you, Chair
6 Weprin. (coughs) Excuse me. And thank you to City
7 Planning for being here today. As the Council Member
8 representing --(coughs) Excuse me--the Third Council
9 District, which includes the Special West Chelsea
10 District, I am in enthusiastic support of the
11 expansion of the Special West Chelsea District to
12 include the south side of West 15th Street between
13 Ninth and Tenth Avenues, and the modification or move
14 to Special West Chelsea District from West 15th
15 Street and 16th Streets on the west side of Ninth
16 Avenue from the proposed amendment. The Special West
17 Chelsea District was created to help facilitate the
18 transformation of the Highline elevated rail line
19 into a public park, and to ensure the surrounding
20 West Chelsea neighborhood into a mixed-use
21 residential community.

22 In the fall of 2013, the Department of
23 City Planning in collaboration with Manhattan
24 Community Board 4--and I must say I was Chair of
25 Manhattan Community Board 4 at the time--proposed the

1 expansion of this Special West Chelsea District as
2 part of an ongoing process to reinforce the
3 residential character and quality of life in West
4 Chelsea. (clears throat) I support the expansion of
5 the Special West Chelsea District to include the
6 south side of West 15th Street between Ninth and
7 Tenth Avenues. As I said, this segment of West 15th
8 Street is occupied by a mix of active commercial and
9 light manufacturing uses that reflect broader trends
10 in the neighborhood. And it is appropriate that the
11 Special West Chelsea District is expanded to include
12 this block.

14 The incorporation of the south side of
15 West 15th Street into the Special West Chelsea
16 District would not increase non-compliance among
17 buildings in this segment as many already exceed
18 underlying base maximum heights in the M15 Zoning
19 District. This is consistent with Block Regulations,
20 prescribed Chelsea Market to the north, where the
21 mid-block of the building is limited to 130 feet in
22 height, and the segment fronting Ninth Avenue is
23 limited to 135 feet. I also recommend the approval
24 of the modification to remove the Special West
25 Chelsea District from West 15th Street and 16th

2 Street on Ninth Avenue, which will help alleviate the
3 considerable sidewalk congestion in the area.

4 Expanding the Special West Chelsea
5 District to West 15th Street will help protect the
6 low-rise character of the block south of Chelsea
7 Market, helping to spur mixed-use development, and
8 preserve the integrity of West Chelsea's commercially
9 zoned properties. This application represents the
10 culmination of a decade of community efforts and
11 advocacy to apply appropriate bulk controls to this
12 important transition block between the meat packing
13 district and West Chelsea.

14 I want to thank the City Planning
15 Commission and the Department for supporting the
16 inclusion of this re-zoning, and for recognizing that
17 it's consistent with the goals of the Special West
18 Chelsea District. I look forward to the inclusion of
19 West 15th Street in the district, which will help
20 preserve the unique character of West Chelsea. I
21 just want to add a couple more things. I live on
22 West 15th Street, but on the 200 block, and couple of
23 blocks from here. And as I said, I was Chair of
24 Community Board 4 when the Community Board dealt with
25 the Chelsea Market Project, which this study and

2 proposal came out of. And I want to just say, and I
3 know they're going to testify, but I am really
4 grateful for the working relationship that I have
5 with Manhattan Community Board 4. My successor
6 Christine Berthet, the Chair of the Board and Betty
7 Mackintosh, who Co-Chairs the Chelsea Land Use
8 Committee is here. And they are amazing. They know
9 this stuff inside and out, and they have been
10 thoughtful and productive in dealing with this
11 project since its inception. So I urge my colleagues
12 to support the Commission's recommendation on this.
13 Thank you very much.

14 [Pause]

15 CHAIRPERSON WEPRIN: Thank you, Mr.
16 Johnson. Any members of the panel have a question on
17 this particular item? I know we have members of the
18 Community Board here we're going to hear from as
19 well. Mr. Gentile.

20 COUNCIL MEMBER GENTILE: Thank you, Mr.
21 Chairman. I'm curious. On Sub-site No. 3, the
22 construction of that I guess you say is a hotel.
23 That's going to happen no matter what we do here
24 today, right?

25 ERIC BOTSFORD: That's correct.

2 COUNCIL MEMBER GENTILE: So, in effect
3 that breaks the contextual nature of what you're
4 trying to achieve here.

5 ERIC BOTSFORD: It is--I think it's
6 something that we see the inclusion of this block in
7 the Special District, you know, I think prompted in
8 large part by the permits that were pulled for this
9 hotel, and for the development of this site that we
10 felt was not contextually appropriate. So, knowing
11 that there are other soft sites on the block there is
12 further development opportunity. This is I think an
13 opportunity for us to ensure that development moving
14 forward proceeds consistent with what we see as the
15 appropriate built form for the area.

16 COUNCIL MEMBER GENTILE: So it's this
17 site that set of the alarm, so to speak?

18 ERIC BOTSFORD: Yes, I think it's fair,
19 that's fair to say.

20 COUNCIL MEMBER GENTILE: Okay, thanks.

21 CHAIRPERSON WEPRIN: Thank you, Mr.
22 Gentile. Mr. Reynoso.

23 COUNCIL MEMBER REYNOSO: Thank you. It's
24 a good meeting today. We're running out of seats.
25 So I'm here at the end. I just want to say to both

2 the Chair and the Chair of Land Use, Chair Greenfield
3 who is here, this is a perfect example with M-1 Zone,
4 the character of them. The designations that it has
5 under it like hotels can ruin a block where its
6 intent is not necessarily to build hotels. But
7 because the M-1 allows it, it's permitted through M-
8 1. We see blocks like this lose their character.
9 And then also sometimes lose jobs, and we just have
10 to go take advantage of something. So, we would love
11 for you guys to be a partner with me in being able to
12 take out hotels from M-1 designations. Especially in
13 these types of neighborhoods where it's not
14 appropriate outside of the person building the
15 hotels. So I just wanted to make sure I made the
16 comment. And I'm going to be very happy to support
17 this. And it's unfortunate we're not in 2009 and we
18 could have knocked that down, too. Thank you.

19 CHAIRPERSON WEPRIN: Thank you, Mr.
20 Reynoso. I did acknowledge that the Chair of the
21 Land Use Committee the great American David
22 Greenfield is here, right? I did acknowledge that as
23 well. Okay. Any other questions from the panel?
24 Well, we're back to Mr. Johnson.

2 COUNCIL MEMBER JOHNSON: Mr. Chair, I ask
3 the Subcommittee to approve these applications with
4 the following modification to the text of the
5 application. That the City Planning Commission
6 Approved Text Amendment be modified to continue to
7 prohibit the operation of unenclosed sidewalk cafes
8 on the west side Ninth Avenue between 15th Street--
9 15th and 16th Streets.

10 CHAIRPERSON WEPRIN: That's great. We
11 take that application and that modification. City
12 Planning doesn't have an issue with that. I know it
13 wasn't in the initial plan, but you don't have any
14 objection to that modification from what I
15 understand?

16 ERIC BOTSFORD: No.

17 CHAIRPERSON WEPRIN: Terrific. All
18 right. Are we good? Thank you very much, Eric. We
19 have a couple-- As mentioned before, members of the
20 Community Board are here, Betty Mackintosh and
21 Christine Berthet, who is the Chair of Community
22 Board 4, and they are here. It's up to you. Okay.
23 Let's get room there for them, and ladies, we can
24 discuss and you can tell us how good a relationship
25 you really have with City Planning. [laughter]

2 [background comments]

3 If it's red it's on.

4 BETTY MACKINTOSH: If it's red it's on?

5 CHRISTINE BERTHET: It should be green.

6 BETTY MACKINTOSH: It should be green?

7 CHAIRPERSON WEPRIN: Thank you. It
8 should light up when you push it if it's on.

9 BETTY MACKINTOSH: Red?

10 CHAIRPERSON WEPRIN: Yep, red.

11 BETTY MACKINTOSH: Okay. Good morning,
12 City Council members. My name is Betty Mackintosh.
13 I am a member of Community Board 4 as you know
14 already and Co-Chair of the Chelsea Land Use
15 Committee. And as you've heard already, the Board
16 was very happy to vote unanimously on the proposed
17 inclusion of the south side of West 15th Street
18 between Ninth and Tenth into the M15 district of the
19 Special West Chelsea District. This is a very
20 important action because it will cap the maximum
21 height of buildings in this area to 135 feet. So
22 they will be consistent with the heights of the
23 nearby buildings, except for that hotel that's going
24 up. And it will preclude the transfer of development
25 rights from adjacent properties for the purpose of

2 building taller than 135 feet. And as you've been
3 told, this change will not change the permitted
4 density, and will not change the permitted M15
5 Districts.

6 In 2005, when the Special District was
7 created, Community Board 5 recommended for a larger
8 area in the district. That didn't happen and as you
9 know that hotel is in the process of being
10 constructed. We urge City Planning and the City
11 Council to expand the Special District further than
12 even today's action, particularly to include the area
13 from West 25th Street to West 30th Street between
14 Eleventh and Twelfth Avenues. Developers are now
15 coming to us with proposals there. That's north of
16 the proposal in front of you. We would much rather
17 be proactive and establish appropriate zoning ahead
18 of time than reactive to developers- out-of-context
19 proposals. So we look forward to continuing our
20 dialogue with City Planning and the City Council on
21 the inclusion of other areas into the Special
22 District. Thank you.

23 CHAIRPERSON WEPRIN: Terrific.
24 Christine.

2 CHRISTINE BERTHET: Yes. Good morning,
3 City Council members. I'm Christine Berthet. I'm
4 the Chair of Community Board 4. I will not repeat
5 everything . We are very much--we are asking you to
6 approve this re-zoning with the caveat of excluding
7 the west side of Ninth Avenue from the zone where you
8 can have a sidewalk cafe. This area is a very, very
9 crowded with the tourists as well as customers of the
10 market. And it's really not appropriate to have
11 sidewalk cafe there. And I echo my--Betty's point
12 about, you know, we wish we would get ahead of the
13 problems, and have the zoning changes before we have
14 those exceptions, which have already ruined the
15 process. And so, re-zoning the north part of--
16 extending the north part of the Special District,
17 which we have asked for, for many years, would be
18 really something that we would like you to support as
19 well. Although that's not part of the proposal in
20 front of you. Thank you so much for your help.

21 CHAIRPERSON WEPRIN: Thank you. And Mr.
22 Johnson, any comment for these two ladies?

23 COUNCIL MEMBER JOHNSON: I just want to
24 thank the Community Board again, and I also want to
25 thank-- I was remiss in not thanking Carl Weisbrod,

2 the Chair of the Commission and the head of the
3 Department, who was supportive of this application
4 from the beginning, and has been very helpful in
5 getting it done. And I want to thank Danielle De
6 Cerbo and Eric Botsford as well.

7 CHRISTINE BERTHET: And I forgot to
8 mention the excellent relationship we have with City
9 Planning in this administration.

10 COUNCIL MEMBER JOHNSON: And it's not
11 just because Betty Mackintosh worked there for 35
12 years. [laughter]

13 [Pause]

14 CHAIRPERSON WEPRIN: Okay. All right,
15 any other questions for these two? Well, thank you
16 very much, ladies. We appreciate you coming down.
17 Is anyone else here to testify on this matter?
18 Nobody? Okay. So we are going to close this
19 hearing, and we are going to move to a vote on the
20 items we heard today. We're going to couple a vote
21 on Land Use Nos. 164 and 165 as well as 169 the
22 sidewalk cafe. The Special West Chelsea District
23 expansion that we just heard will have the following
24 modification to the Text Amendment Application that
25 the City Planning Commission approved Text Amendment

2 be modified to continue to prohibit the operation of
3 an unenclosed sidewalk cafe on the west side of Ninth
4 Avenue between 15th and 16th Street. So, we're going
5 to vote yes or vote with the modification, and that
6 will go back to City Planning. So with that in mind,
7 I'm going to call on Counsel. Whose doing it? Anne
8 are you doing it? I'm doing it. My name is bill.

9 CLERK: Chair Weprin.

10 CHAIRPERSON WEPRIN: I vote aye.

11 CLERK: Council Member Gentile.

12 COUNCIL MEMBER GENTILE: I vote aye on
13 all except for LU No. 169. I just believe that the
14 Community Board's position should be acknowledged and
15 respected. So I vote no on LU No. 169.

16 CLERK: Council Member Garodnick.

17 COUNCIL MEMBER GARODNICK: Aye.

18 CLERK: Council Member Reynoso.

19 COUNCIL MEMBER REYNOSO: I vote aye and
20 God bless America.

21 [laughter and background comments]

22 CLERK: Council Member Ignizio.

23 COUNCIL MEMBER IGNIZIO: I vote aye.

24 [Pause, background comments]

2 CHAIRPERSON WEPRIN: Yeah, the vote- Do
3 you want announce the vote so far? We don't know?
4 Oh, are we all right?

5 CLERK: [off mic]

6 CHAIRPERSON WEPRIN: Okay.

7 [Pause]

8 CHAIRPERSON WEPRIN: Okay, we're just
9 going to hold the vote open until Council Member
10 Torres can come back to the room. He had stepped out.

11 [Pause]

12 CHAIRPERSON WEPRIN: Okay, can I get him
13 to call his name?

14 CLERK: Council Member Torres.

15 COUNCIL MEMBER TORRES: Aye on all.

16 [pause, background comments]

17 CLERK: Land Use No. 169 is approved by a
18 vote--

19 [Pause, background comments]

20 CLERK: By a vote of 5--4, 1 against and
21 0 abstaining. Land Use Nos. 164 and 165 are approved
22 with modifications by a vote of 6 in favor, 0 against
23 and zero abstaining. All items are referred to the
24 Full Land Use Committee.

2 CHAIRPERSON WEPRIN: Well, done, and with
3 that in mind, the meeting of the Zoning and
4 Franchises Subcommittee is now adjourned. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date January 14, 2015